

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

**NICHOLAS ENNIS, FIREARMS POLICY
COALITION, INC., and FIREARMS
POLICY FOUNDATION,**

Plaintiffs,

v.

**COUNTY OF SUMNER, TENNESSEE;
ANTHONY HOLT in his official capacity as
County Executive and County Mayor of
Sumner County, TN; ROY “SONNY”
WEATHERFORD in his official capacity as
Sumner County Sheriff; CHRIS SANFORD
in his individual and official capacities,
KYLE MAHANEY in his individual and
official capacities; JUSTIN DOWNS in his
individual and official capacities; and
CARL EDISON in his individual and
official capacities,**

Defendants.

Civil Action No. 3:20-cv-805

**Chief Judge Waverly D. Crenshaw
Mag. Judge Barbara D. Holmes**

JURY DEMAND

**MOTION TO WITHDRAW REPRESENTATION
OF DEFENDANT CHRIS SANFORD**

Come now Defendants Sumner County, Tennessee, Kyle Mahaney, Justin Downs, and Carl Edison¹ (collectively “Defendants”), by counsel, and for their Motion to Withdraw Representation of Chris Sanford, state as follows:

For all times relevant, Chris Sanford (“Defendant Sanford”) and Kyle Mahaney (“Defendant Mahaney”) were deputies employed by the Sumner County Sheriff’s Office. (Docket Entry No. 1). On September 25, 2019, Defendants Sanford and Mahaney observed Plaintiff Nicholas Ennis’ (“Plaintiff Ennis”) vehicle which displayed a large window sticker that read,

¹ Defendants Anthony Holt and Roy “Sonny” Weatherford were dismissed from this action pursuant to Order entered July 13, 2021. In that same order, the official-capacity claims against Defendants Chris Sanford, Kyle Mahaney, Justin Downs, and Carl Edison were also dismissed.

“Fuck Gun Control.” (Id.). Pursuant to Tenn. Code Ann. § 55-8-187, any window sticker which is obscene or offensive is subject to citation and fines. Due to this statute, the deputies approached Plaintiff Ennis’ vehicle and discussed with him the obscene window sticker. Citing Tenn. Code Ann. § 55-8-187, Defendants Sanford and Mahaney issued Plaintiff Ennis a citation and advised him of a court date. After receiving the citation, Plaintiff Ennis spoke with Sumner County Sheriff’s Office employees Justin Downs (“Defendant Downs”) and Carl Edison (“Defendant Edison”) regarding the citation. (Id.). Plaintiff Ennis claims neither of these Defendants did anything to assist him. (Id.). The charges against Plaintiff Ennis were eventually dropped. (Id.).

On September 18, 2020, Plaintiff Ennis, along with the Firearms Policy Coalition, Inc. and Firearms Policy Foundation (collectively, “Plaintiffs”) filed this Complaint alleging Defendants violated Plaintiff Ennis’ civil rights, specifically his First and Fourth Amendment rights, when Defendants Sanford and Mahaney issued him the citation for the obscene bumper sticker. (Id.) Attorneys Sumner County Law Director Leah May Dennen, Sumner Staff Attorney Benjamin C. Allen, Sarah L. Locker, and Thomas B. Russell (“Sumner Attorneys”) agreed to defend the Defendants in this action, including Defendant Sanford.

For reasons unrelated to this lawsuit, Defendant Sanford resigned from the Sumner County Sheriff’s Office. Despite this resignation, Sumner County Law Director Leah May Dennen sent Defendant Sanford correspondence assuring him the County was still defending him in this case free of charge.

On October 29, 2021, Defendant Sanford brought a civil suit against Sumner County Sheriff Weatherford, Chief Aaron Pickard, the Sumner County Sheriff’s Office, Sumner County Law Director Leah May Dennen, and various other Sheriff’s Office deputies (the “Sumner Defendants”). The Complaint was filed in the Circuit Court for Sumner County, Tennessee, and a copy of the Complaint is attached hereto as **Exhibit A**. It alleges, among other things, that the

Defendants violated Defendant Sanford's First, Fourth, and Fifth Amendment rights as well as violations of Title VII of the Civil Rights Act.

Due to Defendant Sanford's Circuit Court lawsuit against the Sumner Defendants, he has created a conflict of interest. The Sumner Attorneys cannot defend both the Sumner Defendants and Defendant Sanford in the case at bar, and subsequently defend the Sumner Defendants from Defendant Sanford's Circuit Court lawsuit. Accordingly, the only ethical option for the Sumner Attorneys is to withdraw their representation of Defendant Sanford in the case at bar. This withdrawal would not affect the continuing representation of the remaining Defendants in this case.²

Therefore, for the aforementioned reasons, the Sumner Attorneys respectfully request to withdraw their representation of Defendant Sanford. The remaining representations shall remain the same.

Respectfully submitted:

/s/ Thomas B. Russell

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² On November 5, 2021, Defendant Sanford was sent correspondence informing him that this Motion to Withdraw was being filed on November 12, 2021. A draft copy of this Motion was attached to the correspondence.

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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